

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

JAMES MCGEE,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:21-cv-00259
)	
TRADITION TRANSPORTATION)	
GROUP, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Defendant, Tradition Transportation Group, Inc. (“Defendant”), by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, notices the removal of an action from the Superior Court of Steuben County, Indiana to this Court for trial and determination and as grounds therefor states as follows:

1. Plaintiff, James McGee (“Plaintiff”), initiated this action on June 1, 2021, by filing a complaint captioned *James McGee v. Tradition Transportation Group, Inc.*, Cause No. 76D01-2106-CT-000235 (the “Action”), in the Superior Court of Steuben County, Indiana. The complaint, summons, and attorney appearance were served on Defendant on June 11, 2021, by certified mail. True and accurate copies of the state court docket sheet, all pleadings, motions, and orders, and all other filings in the Action are attached hereto as Exhibit A.

2. Plaintiff’s complaint alleges violations of the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.* (“ADEA”); the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.* (“ADA”); Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e) *et seq.* (“Title VII”) and the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”).

3. Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” Because Plaintiff’s claims under the ADEA, ADA, Title VII and the FLSA constitute a civil action arising under the laws of the United States over which the district courts have original jurisdiction (*see* 28 U.S.C. § 1331), this cause may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441(c).

4. The Northern District of Indiana is the judicial district embracing the place where the state court case was brought and is pending (*see* 28 U.S.C. § 94(b)), and is thus the proper district court to which this case should be removed. *See* 28 U.S.C. § 1446(a).

5. Pursuant to 28 U.S.C. § 1446(b), this removal is timely because not more than 30 days have elapsed since Plaintiff served Defendant with the summons and complaint.

6. Written notice of the filing of this notice of removal of civil action will be given to Plaintiff as required by law.

7. A true and accurate copy of this notice of removal of civil action will be filed with the Clerk of the Superior Court of Steuben County, Indiana, as required by law.

Respectfully submitted,

/s/ David L. Swider

David L. Swider (#519-49)

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*Attorneys for Defendant,
Tradition Transportation Group, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2021, a copy of the foregoing “Notice of Removal” was filed electronically. Notice of this filing will be sent to the following counsel by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

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/s/ David L. Swider
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